

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

TEXAS BANKERS ASSOCIATION; RIO  
BANK, MCALLEN, TEXAS; and  
AMERICAN BANKERS ASSOCIATION,

Plaintiffs, §

CREDIT UNION NATIONAL  
ASSOCIATION, CORNERSTONE §  
CREDIT UNION LEAGUE, RALLY §  
CREDIT UNION, TEXAS FIRST BANK,  
INDEPENDENT BANKERS §  
ASSOCIATION OF TEXAS, and §  
INDEPENDENT COMMUNITY §  
BANKERS OF AMERICA, §

Intervenor-Plaintiffs,  
§

CONSUMER FINANCIAL PROTECTION BUREAU and ROHIT CHOPRA, in his official capacity as Director of the Consumer Financial Protection Bureau,

### Defendants.

Case No: 7:23-cv-00144

**DANA SISK'S DECLARATION IN SUPPORT OF CREDIT UNION INTERVENORS'  
JOINDER TO EMERGENCY MOTION FOR PRELIMINARY INJUNCTION**

I, Dana Sisk, declare:

1. I am the President and CEO of Rally Credit Union (Rally). The statements in this declaration are based on my own personal knowledge and are true and correct. If called to testify to their accuracy, I could and would do so.

2. I have served as the President and CEO of Rally since May 2023, and came to this position after serving as Rally's Executive Vice President for six years and Rally's Chief Operating Officer for eight years. As the COO of Rally, I was responsible for all member-service channels including branch operations-, digital-, and contact-center teams. I also directed company training, facility construction/management, compliance, and risk-management teams. I have over 30 years of experience in the financial services industry, with vast majority of that time serving credit unions in Texas. I am also a Certified Public Accountant.

3. Chartered in 1955 and headquartered in Corpus Christi, Rally is the largest credit union in South Texas. Rally serves over 200,000 members and operates 20 branches in the region. Rally has approximately \$4.2 billion in total assets and employs approximately 800 people. As a credit union, Rally is owned by its members.

4. Rally serves eight counties in South Texas and along the Texas and Mexico border. These counties range from 60% –95% Hispanic. Rally frequently makes loans to small businesses, including woman-owned and minority-owned businesses.

5. The National Credit Union Administration (NCUA) has designated Rally as a low-income credit union. To qualify as a low-income credit union, a majority of the credit union's membership (50.01%) must meet certain low-income thresholds, based on data from the U.S. Census Bureau. Low-income members are those members whose family income is 80% or less than the median family income for the metropolitan area where they live or national metropolitan area, whichever is greater, or those members who earn 80% or less than the total median earnings for individuals for the metropolitan area where they live or national metropolitan area, whichever is greater. The NCUA will use the statewide or national, non-metropolitan area median family income instead of the metropolitan area or national

metropolitan area median family income for members living outside a metropolitan area. Member earnings will be estimated based on data reported by the U.S. Census Bureau for the geographic area where the member lives. The term “low-income members” also includes those members enrolled as students in a college, university, high school, or vocational school.

6. As a low-income, community credit union, our business lending program is designed for small business lending. Lending to these small businesses is what allows them to expand their operations, add new customers, hire more employees, and, most importantly, promote the economic opportunities for the growing population in the counties Rally serves.

7. In the years 2021 and 2022, Rally made approximately 550 small-business loans. For both 2021 and 2022, the number of these loans, or “covered credit transactions,” as that term is defined in the Final Rule, exceeded 100 transactions. Rally expects to continue to make over 100 such transactions in coming years. Because of this, Rally is defined as a “covered financial institution” subject to the requirements of the Final Rule.

8. Due to the number of small-business loans that it originates each year, Rally anticipates being subject to Final Rule. Compliance with the data collection, reporting, and other requirements of the Final Rule will be onerous and expensive, and Rally’s efforts to be able to comply with those requirements have already begun. For example, Rally is implementing a new business-loan origination software that is expected to provide tools for reporting under the Final Rule. The initial cost of this software was \$250,000, with an annual maintenance expense of \$60,000. There will be additional charges for the software vendor to implement the data capture functionality for the Final Rule, which are currently unknown.

9. In addition, Rally estimates that it has incurred approximately \$15,000 in other operating costs in preparing to comply with the Final Rule and has dedicated approximately 50 hours of employee, management, and senior management time to preparation efforts. In addition to costs paid to software vendors, Rally estimates the costs of purchasing, installing, and conducting employee training to implement the data-collection program will exceed \$50,000.

10. Of course, once the compliance requirements in the Final Rule trigger, Rally will incur additional expenses on a yearly basis. Rally estimates this yearly expense will exceed \$100,000. Not included in this additional estimate are the compliance costs Rally is likely to incur to hire outside consultants, attorneys, and others to assist and advise Rally in complying with the Final Rule.

11. Rally is a member of both the Credit Union National Association and Cornerstone Credit Union League. Rally is neither a member of the American Bankers Association nor the Texas Bankers Association, nor could it join. Both organizations bar credit union as members.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on August 16, 2023

Dana Sisk  
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